



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECH CENTER 1600/2800

Application of: T. BARBERICH et al.

Application No.: 09/527,844

Group Art Unit: 1617

Filed: March 17, 2000

Examiner: M. Bahar

For: METHODS FOR THE TREATMENT OF  
NEUROLEPTIC AND RELATED  
DISORDERS USING ZIPRASIDONE  
METABOLITES

Attorney Docket No.: 4821-334-999

#15  
JUGPS  
827-02

RESPONSE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated April 9, 2002, please consider and enter the following remarks into the file of the above-captioned application.

REMARKS

Claims 1-15 are pending in this application. Although the rejections set forth in the prior Office Action have been withdrawn, the claims are now rejected under 35 U.S.C. §§ 102 and 103 over newly cited art. These new rejections are addressed below.

I. The Rejection Under 35 U.S.C. § 102 Should be Withdrawn

On page 2 of the Office Action, claims 1-4 and 6-9 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by an abstract of Davis *et al.*, CNS Drugs, 8(2):153-159 (1997) ("Davis"). This rejection is respectfully traversed.

It is well settled that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 6311, 2 USPQ2d